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582 [587]

occasionally she is taken as his wife if he is unmarried or is able to support another wife. No trace of the sororate was found among the Kols.

BARS TO MARRIAGE. Before marriage is possible there are a few other matters that must be carefully checked. That the younger child must never be married before the elder, is a custom quite commonly observed all over India; the proper and the correct thing is to marry the children in the order of their ages. There is another interesting limitation; the eldest boy of a family (*Jetha*) must never marry the eldest girl (*Jetha* or *Jethi*) in the month of *Jetha* (May-June). If this be done it is bound to result in a very unhappy and quarrelsome match.

582 732

Physical or mental defects are also bars to marriage, or at least to satisfactory marriages. A person who is half-witted or deformed has very little chance of making a favourable marriage. Often such children do not survive, not through any deliberate action on the part of the parents, but being so helpless, or unable to take care of themselves as the children of the poor must do, they are simply not able to survive. Blind girls generally remain unmarried, but a blind boy who knows some kind of hand work which he may use to help support his wife may be married. If deformed children survive and do not get married they remain at home where their parents support them.

582 [836]

If a Kol bachelor should "keep" a woman he is not allowed to contract a real marriage until such time as this woman is renounced; the *panch* sees to this. It is not unknown that a bachelor may keep a young widow, give her up for marriage with another girl, and then after those formalities are over and forgotten, bring her back into his house as a kept woman. He will have to pay a fine or give a feast as the *panch* decides, but he is not forced to drive her out.

[837 684 692]

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Sometimes a man feels that he cannot stand the expense and obligations that go with a *pakka* or real marriage. He desires to marry, say, a certain girl, or his parents want him to do so, and there can be found no valid objection to such a match, nor is there any element in it which would force an elopement. In such a case the matter is put up to the *panchayat* and if it is ascertained that the woman in question has not been married before and that there are no other valid bars to the marriage the permission may be given. Instead of the wedding formalities the only expense involved is that of feeding the proper persons—the *panch*, the relatives, or perhaps the whole community. This decision usually rests with the *panch* itself. The formal ceremonies consist in the putting of ten black bangles on the arms of the

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migrate to a place where nothing is known of their history, for if they should try to remain they cannot enter into the life of any community of that area unless they cast their lot with the lowest of the low.

The above form of the elopement marriage does not have the same standing as the regular forms. If such a union should break up, and the woman go to live with another man, the first man has no right to make a formal complaint to the *panch*, nor can he claim her nor any compensation for her. The *panch* takes no responsibility for irregular unions and this fact is a real deterrent. Marriage would thus seem to have the marks of a contract; it binds the two persons and gives certain proprietory rights which are enforced by the community.

The second type of elopement marriage attempts to regularize the procedure after a couple has eloped. In this manner a control over such cases is exercised, and certain obligations must be met or there is a severe social penalty. If a boy runs off with a girl already married, who has also been through the *gauna*[1] part of the total cycle, but who has not become the actual property of her husband, he is required by the *panch* to refund to the party to whom the girl was first married all the expenses in connection with the *lagan*, the *sadi* and the *gauna*. This is a very heavy burden which few would undertake to face, for it may amount to as much as a hundred rupees. And even if he is able to pay he still has to feast the *panch*, and they see that he does it well. Following all this the regular marriage ceremony must be performed with its additional costs and obligations, before the couple are allowed to live together. This makes such an elopement a very costly affair, and the *panch* is in the position absolutely to enforce these penalties.

If the *gauna* has not yet occurred and the girl elopes with another boy, all he has to do is to pay a penalty to the *panch*, but before they are allowed to live together the regular *sadi* must be performed. No *gauna* is thereafter necessary and they begin to cohabit. The regulations are thus much more severe if the *gauna* is passed than if the elopement occurred before it. There are variations in procedure, but this seems to be the custom.

2. *The Recognized Form of Marriage* (*Biwah*, *Biyah*). The description which follows is one compiled from investigations made in many places. When we first learned of the marriage customs of the Kols who lived close to Jubbulpore, we thought that the customs

1 See page 93.

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595 an economic asset. If there should be two or more women in the family, one of whom is married and the other just kept, their respective rights were said to depend solely upon the will of the husband and it was not admitted that any of them had greater rights than the others. Their children have equal rights and no discrimination is made between [H28] them. If the wife is barren and the other has sons, the property upon his death reverts to the sons. If both "wives" have sons it is divided at death according to the husband's expressed wish or by a decision of the *panchayat*.

[B31] We did not find much sexual laxity among the Kols; but the Hindus assert, whether from knowledge or prejudice it is hard to say, that the sexual relations of the Kols are very loose. A Malguzar reported that in some villages under his jurisdiction where Kols happened to be in the majority he knew of at least one case of a Kol woman having several [B37] husbands, a sort of polyandry, and that the men frequently exchanged wives.

586 623 692 DIVORCE. It is not uncommon for a man and his wife to separate but as long as this separation is not sanctioned by the *panchayat* it involves certain disabilities. The *panchayat* never takes the initiative nor does it advise or suggest divorce—rather the opposite—but it has to act if the separation is to have official sanction. The usual grounds for separation and divorce are:

1. Sterility of the wife
2. Sexual unchastity of either
3. Quarrelsomeness in the home
4. Laziness resulting in the neglect of household duties and support of the family
5. Any tendencies such as thievery, frequent absences from home without apparent reasons, and the like

There are numerous variations in the process of securing this separation. It is usually considered more difficult for a man to get rid of his wife than it is for the wife to get rid of her husband. The matter is first officially brought to the attention of the local *panchayat* by either of the aggrieved parties. In some cases the local *panch* has full authority, but in Maihar State we found that if, after investigation, the local *panch* thought there was a good case for divorce, the matter [184 564] is referred to an intercaste *panchayat*; one which should include members from seven different groups or castes. This seems to be an exception, and when asked what castes could act together they mentioned only three: Kol, Kurmi and Chamar.